

ENTERED

September 26, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

BAYOU CITY WATERKEEPER,

Plaintiff,

VS.

U.S. ARMY CORPS OF ENGINEERS,
et al.,

Defendants.

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CIVIL ACTION NO. 3:20-cv-00255

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On February 24, 2021, all pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 21. Judge Edison filed a memorandum and recommendation on September 6, 2022, recommending that Defendants' Motion for Summary Judgment (Dkt. 40) be granted, and that Plaintiff's Motion for Summary Judgment (Dkt. 38) be denied. Dkt. 45.

On September 20, 2022, Plaintiff Bayou City Waterkeeper filed its objections to the memorandum and recommendation. Dkt. 46. In accordance with 28 U.S.C. § 636(b)(1)(C), this court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the court may "accept, reject, or modify, in whole or in part, the

findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

The court has carefully considered the objections, the memorandum and recommendation, the pleadings, and the record. The court accepts Judge Edison’s memorandum and recommendation and adopts it as the opinion of the court. It is therefore ordered that:

- (1) Judge Edison’s memorandum and recommendation (Dkt. 45) is approved and adopted in its entirety as the holding of the court; and
- (2) Plaintiff’s Motion for Summary Judgment (Dkt. 38) is denied; and
- (3) Defendants’ Motion for Summary Judgment (Dkt. 40) is granted.

SIGNED on Galveston Island this 26th day of September 2022.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE